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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,273	12/06/2001	George Kovacs	LSI041	5239
26241	7590	12/17/2003	EXAMINER	
ROBERT A SEEMANN 89 EARL AVE HAMDEN, CT 06514			QUARTERMAN, KEVIN J	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/003,273

Applicant(s)

KOVACS, GEORGE

Examiner

Kevin Quarterman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 9-12 and 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-8 and 13-15, drawn to mercury vapor discharge lamps, classified in class 313, subclass 490.
  - II. Claims 9-12 and 16-19, drawn to methods for making mercury discharge lamps, classified in class 445, subclass 26.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the mercury vapor discharge lamp can be made by fusing an amount of titanium metal with an amount of indium metal to form a titanium-indium mixture; fusing the titanium-indium mixture on the inside surface of a quartz arc tube; inserting a thermionic electrode in a first end of the quartz tube; inserting mercury into the tube; and hermetically sealing the first end of the tube around electrical leads from the electrode.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Robert Seemann on December 9, 2003 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-8 and 13-15. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-12 and 16-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-8 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Jansma (US 5539277).

9. Regarding independent claim 1, Figure 1 of Jansma shows a low pressure mercury vapor discharge lamp comprising a hermetically sealed envelope (2), the wall of the envelope comprising an elongated glass tubular portion, at least one thermionic electrode (3), mercury vapor, and at least one inert gas in the envelope (col. 3, ln. 44-

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46), and a mixture comprising indium and titanium to the inside surface of the tubular portion exposed to the mercury vapor (col. 3-4).

10. Regarding independent claim 2, Jansma discloses like claim limitations of independent claim 1, as discussed earlier. Figure 1 of Jansma also shows the mixture (15, 16) spaced from the electrode toward the center of the tubular portion.

11. Regarding independent claim 3, Jansma discloses like claim limitations of independent claim 1, as discussed earlier. Jansma also discloses the lamp having an amalgam target consisting of indium and titanium on the inside surface of the tubular portion (col. 3-4).

12. Regarding independent claim 4, Jansma discloses like claim limitations of independent claim 3, as discussed earlier. Figure 1 of Jansma also shows the amalgam target (15, 16) spaced from the electrode toward the center of the tubular portion.

13. Regarding independent claim 5, Jansma discloses like claim limitations of independent claim 1, as discussed earlier. Figure 1 of Jansma also shows aluminum oxide (14) on the inside surface of the tube.

14. Regarding claim 6, Figure 1 of Jansma shows the mixture spaced from electrode toward the center of the tubular portion.

15. Regarding independent claim 7, Jansma discloses like claim limitations of independent claim 5, as discussed earlier. Jansma also discloses the lamp having an amalgam target consisting of indium and titanium on the inside surface of the tubular portion (col. 3-4).

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16. Regarding independent claim 8, Figure 1 of Jansma shows a mercury vapor discharge lamp comprising an elongated glass envelope (2), an electrode (3) at one end of the envelope, indium and titanium to the wall of the envelope, spaced from the electrode toward the center of the envelope exposed to the mercury.

17. Regarding independent claim 13, Figure 1 of Jansma shows a mercury vapor discharge lamp comprising a hermetically sealed envelope (2), the wall of the envelope comprising an elongated glass tubular portion, at least one thermionic electrode (3), mercury vapor, and at least one inert gas in the envelope (col. 3, ln. 44-46), and a mixture comprising indium and titanium to the inside surface of the tubular portion exposed to the mercury vapor (col. 3-4).

18. Regarding independent claim 14, Jansma discloses like claim limitations of independent claim 13, as discussed earlier. Figure 1 of Jansma also shows the mixture (15, 16) spaced from the electrode toward the center of the tubular portion.

19. Regarding independent claim 15, Jansma discloses like claim limitations of independent claim 13, as discussed earlier. Jansma also discloses the lamp having an amalgam target consisting of indium and titanium on the inside surface of the tubular portion (col. 3-4).

### ***Duplicate Claims***

20. Applicant is advised that should claims 1-3 be found allowable, claims 13-15 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing

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one claim to object to the other as being a substantial duplicate of the allowed claim.

See MPEP § 706.03(k).

### ***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Milke (US 3963954) discloses a fluorescent lamp having indium oxide coating and protective coating. Fowler (US 5229687) discloses a mercury vapor discharge lamp with means for reducing mercury leaching. Forsdyke (US 5952780) discloses amalgam for use in fluorescent lamps. Silverstein (US 4467238) discloses a sodium lamp with infrared reflector.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (703) 308-6546. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Kevin Quarterman  
Examiner  
Art Unit 2879

kq   
December 9, 2003

  
Nimesh Patel  
Supervisory Patent Examiner  
Art Unit 2879